

## REFLECTIONS

ON THE

Natural and Acquired Endowments

REQUISITE FOR THE

574. K. 8.  
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STUDY of the LAW,

AND THE

MEANS to be used in the Pursuit of it.

By JOSEPH SIMPSON, Esq;

BARRISTER at LAW.

Omnes artes quæ ad humanitatem pertinent, habent  
quoddam commune vinculum, & quasi cognatione  
quâdam inter se continentur.

Cicero pro Archia Poeta.

The THIRD EDITION.



LONDON,

Printed for J. Worrall, in Bell-yard; T. Waller, in  
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TO THE RIGHT HONOURABLE

R O B E R T,

EARL OF NORTHINGTON,

Lord High Chancellor of Great-Britain,

T H I S T R E A T I S E

IS HUMBL Y DEDICATED,

B Y

His Lordship's most obliged,

and obedient Servant,

Lincoln's Inn,  
June 1, 1764.

Joseph Simpson.

TO THE RIGHT HONOURABLE

ROBERT

EARL OF NORTHINGTON,

Lord High Chancellor of Great-Britain,

THIS TREATISE

IS HUMBLY DEDICATED,

BY

His Lordship's most obliged;

and obedient servant,

Edinburgh: Printed by  
James Ballantyne, 1791.

Joseph Simpson.



# INTRODUCTION.

**I**T hath long been a matter of complaint, that the laws of England are grown so voluminous, that the compass of a man's life will scarce suffice for the bare reading, much less for the apprehending and digesting them.

The fluctuations in property, which the revolutions in government, and the enlargement of trade and commerce, have introduced into this kingdom, will easily account for the alterations which have been made both in the common and statute laws, either as they were found productive of inconvenience, or insufficient to answer the good ends for which they might originally be designed.

Every subject of England is presumed to know the laws, by which he is to regulate his conduct, and for the violation of which

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he is liable to be punished. But however agreeable this presumption might be to the plainness and simplicity of the ancient common law, there is little reason to believe that it corresponds with the truth of the fact at present ; on the contrary, the laws, by their number, their bulk, and their obscurity, are become almost a wilderness to the professors ; and some have doubted whether it is possible to reduce them to a narrower compass. But whether there be room for such a doubt or not, this may fairly be presumed, that the vast extent of a work of this nature, as it hath hitherto discouraged, will always continue to discourage any private person from attempting it. It seems universally agreed, that such an undertaking would be a national good ; and one would naturally conclude from thence, that it might become a national concern. The building of bridges, and the amending of highways have always merited the attention of the public ; and shall the way to the knowledge of the laws of our country be the only one that is left unpassable ?

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The labours of many of the reporters of the common law have, no doubt, contributed to increase its perplexity; for, instead of culling the choicest and most useful cases, and digesting them under proper heads, they have poured them upon the world crude and undigested as they were taken, and in such quantities as if they imagined that the greatness of their number would make amends for their want of weight.

Mr. Plowden, in the Prologue or Preface to his commentaries, tells us, "That in old time, as he had credibly heard, there were four reporters of our law-cases, who were chosen men, and had a yearly stipend for their labour from the crown, and they conferred all together at the making and setting forth the report; and their reports, for the number of reporters, and their approved learning, carried great credit, as it justly deserved." After which, he, with great modesty, apologizes for publishing a work, which will be read with pleasure by every professor of the law, so long as perspicuity and sound reasoning are regarded.

It will be extremely difficult, if not impracticable, to reduce the vast body of the common law to a system ; but the methodizing and reducing the acts of parliament to their proper heads, will not be attended with the same difficulty. It is our misfortune at present, that we are frequently obliged to have recourse to statutes passed in different reigns, and with different views, in order to gain a full and adequate knowledge of the point under consideration ; and this search is sometimes as unsatisfactory as it is painful, it being no uncommon case to find, that acts of parliament taken into the construction of each other, instead of clearing and illustrating, serve only to embarrass and perplex the subject.

The legislature have wisely appointed committees to enquire, from time to time, what acts are proper to be continued or repealed ; and if they were to add to the enquiry, how far they are proper to be incorporated into each other, the nation might hope that the statute laws, notwithstanding their annual increase, would neither grow



too numerous to be read, nor too intricate to be understood.

In other professions and sciences there are able and experienced tutors to direct the pupils in the pursuit of such studies as are most suitable to the sphere of action for which they are designed.

But gentlemen embark in the law just as the caprice of their friends, or their own warm imaginations dictate, without ever considering the bent of their genius, or whether they are blessed with qualifications adapted to the nature of the profession.

And if their genius should happily coincide with the study, yet the difficulties they meet with, for want of a guide to point out the readiest way to knowledge, and to assist them in the pursuit of it, soon damps their imagination, and makes them sink into a supineness which renders them both useless to society, and a torment to themselves.

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How different, in this respect, was the conduct of the ancient Romans, of whom a celebrated writer tells us, “ Ergo apud majores nostros juvenis ille, qui foro & eloquentiæ parabatur imbutus jam domestica disciplina, refertus honestis studiis deducebatur a patre vel a propinquis ad eum oratorem qui principem locum in civitate tenebat, hunc sectari hunc prosequi hujus monibus dictionibus interesse, atque huculè sub ejusmodi præceptionibus juvenis, ille de quo loquimur oratorum discipulus fori auditor sectator judiciorum, eruditus & assuefactus alienis experimentis solus statim, & unus cuicumque causæ par erat.”

It cannot be thought upon without regret, that those who in this country are at the head of the profession, and, consequently, best qualified, from their knowledge and experience, to communicate the necessary assistance, are too much immersed in their clients concerns to think of so barren and unprofitable an attempt.

The consciousness of my own want of abilities, when compared with theirs, deterred me from publishing the following treatise, until I considered that it might be of use to the younger professors and students of the law, and possibly be a means of exciting some abler hand to extend and improve upon the plan; in the execution of which I shall endeavour, with all possible conciseness and perspicuity, to point out the natural and acquired endowments requisite for the entrance upon this study, and the easiest and most proper means to be used in the pursuit of it: and if I have been so fortunate to chalk out a readier method for the attainment of legal knowledge than hath hitherto appeared, I flatter myself that the merit of the attempt will serve as a veil to cover such inaccuracies and imperfections as may possibly be observed in the course of the following Reflections.

REFLEC-

The consciousness of my own want of abilities, when compared with theirs, deterred me from publishing the following treatise, until I considered that it might be of use to the younger practitioners and students of the law, and possibly be a means of exciting some able hand to extend and improve upon the plans in the execution of which I shall endeavour, with all possible conscientious and patriotic, to point out the natural and acquired endowments requisite for the entrance upon this study, and the careful and most proper means to be used in the pursuit of it; and if I have been so fortunate to chalk out a reader's method for the attainment of legal knowledge than hath hitherto appeared, I flatter myself that the merit of the attempt will give as a veil to cover such inaccuracies and imperfections as may possibly be observed in the course of the following reflections.

REFLECT



# REFLECTIONS

ON THE

ENDOWMENTS

REQUISITE FOR

The STUDY of the LAW.

OF PERCEPTION.

**P**ERCEPTION is that act of the mind by which we contemplate things offered to it, and from which we form our ideas; and in proportion as our perception is clear or imperfect, our ideas will be distinct or confused.

Quickness of perception is the primary and distinguishing characteristic of a great genius; and in some is so wonderful, that one would be apt to conclude with a late noble and most ingenious writer, "The Deity had imparted to them a larger portion of the ethereal spirit." But whether this quickness of perception be originally impressed upon the mind, or whether

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it arises from the texture of the brain, and the temperament of the body, it is most certain, that those who are endowed with it, have a natural superiority over the rest of mankind : and if at any time they have been outshone by men of lower capacities, either in the sphere of contemplation or of action, we must impute it to the misapplication or want of culture of so extraordinary a talent.

It is wonderful to see with what rapidity a genius of this kind advances in the pursuit of knowledge ; his quickness of apprehension atones for his want of years, and his ideas are at once conceived and ripened into maturity.

If this faculty be a necessary preparative to other studies and other professions, much more so is it to the study of the law ; and a slight attendance upon courts of judicature will convince us, that a great memory, intense application, and sound judgment, will not qualify a man to do complete justice to his client, unless he is endowed with a sufficient share of natural sagacity.

To see the consequences of a fact, and the drift of an argument at its first opening, and to reply immediately to an unforeseen objection, is the peculiar happiness of a quick

quick apprehension, and indeed it is unnatural to imagine that he should be able to give a speedy solution of a doubt, who is not brought without length of time and great difficulty to understand the true state of the question.

Perception is to the mind what the eye is to the body; if the sight be dim or imperfect, the idea communicated through it will be dim and imperfect too. The near-sighted man must have the object brought close to his eye, and for that reason can see but a little of it at once, and requires much time and leisure to view all the parts successively, before he can pronounce concerning its due symmetry or proportion: in the same manner, the man of slow capacity must have the question long before him, revolve it over and over in his mind, and consider and weigh each circumstance singly, in order to form a judgment upon the whole; but the sharp-sighted, whether considered corporeally or intellectually, take in the object with all its relations and consequences at first view, and so quick is their distinguishing faculty, that the act of conception and judgment seem almost to be formed and executed at one and the same instant. I have a learned Judge in my eye,

who, without derogating either from his application, his memory, or his judgment, is perhaps the greatest instance of natural sagacity and quickness, that any age or nation hath produced ; he apprehends the fact almost sooner than it can be stated, takes in the consequence of it at a glance, and perceives as it were by intuition.

But let no one imagine, because he is not blest with such talents as I have been describing, that therefore he wants qualifications adapted to the pursuit of the study of the law. The degrees of perception are as various as the degrees of sight, and many persons, though not so quick-sighted as the lynx, may yet be far distant from the darkness of the mole.

Wit, or the ready assemblage of a variety of pleasing yet corresponding ideas, is the natural and genuine production of a quick perception ; but as this faculty is chiefly employed in raising up pleasing pictures and agreeable visions in the fancy, it hath not been held in much esteem among the grave and serious investigators of truth. One of our divines having frequently been reproached by a learned brother with the character of a wit, answered with a sarcasm, that he was too just to return this reproach  
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upon his opponent; but that at least it might rebate the edge of his invectives, considering that it might have pleased God to have made him a wit too.

Some studies are more suited to a man of wit than others; but in the study and profession of the law, it hath its peculiar advantages. It may not, perhaps, be of so much use in the slow pursuit and search after truth, but then it will embellish and set it off to the best advantage: the too frequent abuse or misapplication of fine parts, hath given great latitude to question the judgment of the persons possessing them; but it does not follow from thence, that wit and judgment are enemies to each other; on the contrary, it only shews that a warm imagination may hurry the mind into great inconsistencies.

Wit is a vigorous plant, and will live in any soil, but will not equally thrive in all: When applied to the powers of the imagination of fancy, it agrees with Mr. Lock's well known description, or definition of it, but when applied to the profession of the law, it does not; for although it still retains its original power of a quick assemblage of various ideas, yet as these ideas are chiefly relative to disputes about property, and  
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raise no pleasing pictures or agreeable visions in the fancy, wit borrows the name, and shines forth in the power of invention : which, if not the greatest, is at least a very considerable qualification in a lawyer.

To conclude this chapter, perception is the inlet of knowledge; those endowed with it are in the fairest way of becoming eminent in any science or in any profession : with it a man may fail, but without it he can never be considerable.

### Of M E M O R Y.

**A**S perception is the inlet of knowledge, memory is the storehouse in which it is laid up; and indeed it would be in vain to attempt to furnish the mind with necessary truths, unless there was a proper repository for them.

The advantage of an extensive memory will be best perceived by considering the ill consequences of its being treacherous or imperfect. All the ideas which we gain, either by sensation or reflection, are no longer ours than we can remember and retain them: and one might with equal propriety attempt to fill a sieve by constantly pouring water into it, as to enlarge  
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the mind by study where the memory is naturally bad. We may read indeed with assiduity, and be pleased to think we are entertaining ourselves in an inoffensive manner, but no other use can be reaped from it; for the traces of what we read will be no more perceptible than those which a bird leaves in its passage through the air.

But as there are some memories so defective as not to retain any thing, there are others so happy as to lose nothing.

Whatever knowledge they acquire, either sensible or intellectual, it remains as indelibly fixed upon their memories, as if it was engraven upon a rock. It is reported of Cyrus, that he could have saluted all the soldiers in his army by their names; and Seneca tells us, that he himself by memory repeated two thousand names in the same order they were spoken to him. These facts, if true, shew to what a height the memory may be carried; and if this faculty be useful to a general and philosopher, how much more so must it be to a lawyer, when the very cases which are reported are perhaps more numerous than the soldiers in Cyrus's army, and are certainly more difficult to remember, there being fewer associations of Ideas to assist us in recollecting the

the names of cases, than the names of men. It hath been a noted sarcasm which Sergeant Maynard made use of to a junior barrister who presumed to contradict him, "Alas, young man, I have forgot more law than ever you read." But however the former might value himself upon the knowledge he had forgot, and which from that moment ceased to be his, it would ill become any person of less authority to make a precedent of this case, or from thence imagine that any present reputation can be reaped from having forgotten that knowledge, and those ideas, which were once treasured up in the memory.

The memory is undoubtedly a most useful repository; but it may be, and too frequently is, made a lumber-room instead of a storehouse; and in vain do we flatter ourselves that we have a memory of those ideas which we cannot recollect, or which, if we do recollect them, are so confused that they perplex and embarrass instead of explaining and illustrating a question.

There is a very striking difference between the quick perception of a man of wit, and the slow reflection of a man of memory: The former indeed does not lay in such a multiplicity of ideas as the latter, but then they



they are always clear and ready for present use; and by a few mediums well chosen and readily applied, he will prove a truth, or detect a falshood, before the latter can have arranged or drawn out his ideas from the heap of confused learning with which they are overwhelmed.

It hath grown into a proverb, That great wits have short memories. But this seems to be one of the vulgar errors which hath obtained in the world, and received countenance and patronage from those, who, finding by experience that they had great memories but little wit, and believing that two such extraordinary faculties could never unite in the same person, very wisely laid it down as an axiom, That great wits have short memories.

## OF J U D G M E N T.

**J**UDGMENT is that faculty of the mind by which we are enabled to weigh and examine the nature of ideas, and to compare their agreement or disagreement with each other.

Patience and slowness of belief are the strongest marks of a sound judgment, and are no where more necessary than in the

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study and profession of the law : the seeming agreement which many cases have with each other, in point of circumstance, is too apt to mislead the warm imagination, and make us fancy there is an exact similitude, when, in reality, there is an essential difference between them.

This hastiness in judging is too often the consequence of a quick perception ; and for one person of great genius that makes a figure in the law, there are ten successful through a steadiness of temper, patience in study, and slowness in judging. The great and almost unavoidable misfortune of a genius is, that he surveys an object superficially, judges of it with precipitancy, and immediately ventures to form his conclusion. He catches the idea too quick to make a lasting impression, imagines himself master of the whole subject when he hardly comprehends a part, and hath been elegantly compared to an hasty servant who posts away without his errand.

Impatience and a desire of novelty are the constant characteristics of a great genius ; eager to be master of one subject, as eager to fly to another : He doth not indeed fall short of, but he over-shoots his mark ; the fire of his imagination, like an

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ignis fatuus, misleads him from the true way to knowledge, not considering that he who keeps the direct road will sooner reach the end of his journey, than he who frequently turns out of it for the sake of prospects.

From the too frequent abuse or misapplication of a quick perception, some have been apt to imagine that a quick perception and sound judgment are never united in the same person ; but we have the happiness to see the observation contradicted by a living instance, who is not more eminent by his high station in the law, than for his great judgment and distinguishing sagacity ; he apprehends the facts with such clearness, retains every circumstance with such ease, and weighs the ingredients of equity in so just a ballance, that we are at a loss whether we should admire most the quickness of his apprehension, the strength of his memory, or the soundness of his judgment.

## OF ELOCUTION.

**E**LOCUTION, or the power of communicating our ideas to others with strength and perspicuity of expression, is a very essential qualification for a lawyer; and in vain will he be possessed of the various faculties I have before been considering, if, at the same time, he is wanting in the gift of utterance. His quickness, indeed, may enable him to apprehend, his memory to retain, and his judgment to separate ideas, and compare their agreement or disagreement with each other; but in the midst of his abundance, he will still be poor, and like the owner of an immense treasure cast away upon a desert island, will view the riches he is possessed of with little complacency, while he is incapable of making use of or sharing them with others. Our ideas are the objects of our own understanding; but, in order to convey them to others, it is necessary to range them in a clear and easy method, and to clothe them with apt and proper words; and although since the useful arts of writing and printing were invented, many persons who have attended more to thinking than speaking  
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with propriety, have been extremely serviceable in communicating their ideas to the world, yet that way of doing it is but dead and lifeless, when compared with the quick and energetic force which we meet with in the mutual intercourse and exchange of language.

The power of expressing our sentiments with propriety, although of general use, is peculiarly serviceable at the bar, where it is no uncommon thing for a person of fine parts and fluency of speech to outgo a man of superior knowledge but less oratory. The ready conception and easy delivery of the former, supplies his want of experience; and by speaking often, he at last comes to speak well; on the contrary, the latter, notwithstanding the variety of ideas with which his mind is furnished, hath the misfortune to express them in so obscure and uninteresting a manner, that they neither strike the imagination, nor convince the judgment; and all his expence of time and labour in the pursuit of knowledge, serves only to place his imperfection and want of elocution in a more glaring light, and render him the subject of contempt, who in a different profession, or more retired

tired life, might have deservedly been looked upon as an object of esteem.

I would not here be understood to confound the powers of eloquence with those of elocution; or to imagine that a person may not be a considerable speaker, because he happens to fall short of the beauties of a Cicero, or the strength of a Demosthenes.

The copious and almost enchanting powers of their oratory, were indeed of infinite service in harangues to the people, where it was the business of the speaker to captivate the passions, rather than convince the judgment. But whoever considers the coldness of our climate, the genius of our people, and the nature of our laws and constitution, will soon be convinced that the man of sense and candour, who, like the counsel I have in view, states his facts with truth, conciseness, and perspicuity, and from thence draws the just and natural deduction, will have more weight and influence in a court of justice than any one can ever hope to arrive at by the mere pomp and splendor of Grecian or of Roman eloquence.

## OF LEARNING.

**SOME** have thought that learning, or a general insight into the liberal arts and sciences, is by no means an essential qualification for a lawyer; and I own there seems, at first sight, to be some foundation for this opinion, in that passage of Lord Coke, where he says, that causes which concern the lives and fortunes of the subject, are to be decided, not by natural reason, but by the artificial reason and judgment of the law; and it cannot be doubted, but that there have been persons, who, with little or no learning, have, by the mere help of this artificial reasoning, made no inconsiderable figure in the profession. But however successful they may have been without it, it is very certain that with the assistance which learning affords, they would have found the way to the knowledge of the law attended with less difficulties and fewer embarrassments: for, notwithstanding all the boasted declarations that the common law of England is the utmost perfection and refinement of human reason, it will require a great degree of sagacity, and many preparatives, to find out wherein  
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that perfection consists: some of the arts and sciences have a very intimate connection and affinity with this study. The usefulness of grammar, rhetoric, and logic, are obvious at first sight; geometry will greatly contribute to an habit of attention, and help a man to reason closely and to the point; and daily experience shews the advantage of being ready in figures and calculations: chronology and history, particularly that of our own country, point out the times of the most material changes and alterations in the common law, and the true political reasons on which they were founded. Neither would I wish the student to be so ignorant in geography as a certain lawyer, now dead, and of whom, tho' otherwise very eminent in his profession, there is left the following anecdote: A sea-officer happening to speak of his ship's being at quarentine, "Where doth Quarentine lie, says the lawyer? I know it is an island, but cannot immediately recollect in what latitude." Ethics, or the knowledge of moral duties, is indispensably necessary to a lawyer; for the positive laws and customs of any country not being able to provide for all the variety of cases and disputes which must necessarily arise, with regard



gard to property, we must frequently recur to the immutable laws of nature for the solution of many doubts and perplexities: Classcal learning contributes much to refine sentiments and embellish the stile; and poetry and oratory have so near an alliance, that whoever hath a true taste for the grandeur, the dignity, and sublimity of the former, and is not deficient in the powers of elocution, will have gone a great way towards shining as an orator.

Topics of argument arise from every science; and the more large and comprehensive his knowledge is, the further will the student see into the depth and reason of the law. But useful as it may be, let him take care lest the thirst of general knowledge hurry him too far from his particular study; here his views must ultimately terminate; and whatever skill he may have acquired in other sciences, it must still be made subservient to his proficiency in this; and if at any time he enters upon other pursuits, of no immediate connection with his profession, he must consider them not as a business, but a relaxation. And now supposing the student to be furnished with a proper share of intellectual and acquired endowments, and

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that he hath no dislike or aversion to this study; I shall proceed to offer a few reflections upon the means best suited to attain his end: and whatsoever difficulties he may meet with in the road, let him animate himself with the thoughts, that there is no study or employment wherein his service to the community will be so conspicuous, or from the practice of which he hath so fair a prospect to raise his reputation, advance his fortune, and aggrandize his family.

#### Of an UNIVERSITY EDUCATION.

**T**HE great propensity which youth naturally have to pleasure and amusement, and the many incitements and allurements which are added to it, from the freedom and liberty too commonly attendant on a college life, hath induced some persons of good understanding to consider the serving of a clerkship as a better preparative for the severe and laborious study of the law, than all the extensive learning and polite literature, which the student may have an opportunity of acquiring by an university education: and although it must be owned that a love of company, and taste for diversions, are too often contracted there;

there; yet we must consider that not as the fault of the place, but of the man; and to deprive a person of the best means of improvement, merely through a fear that he should neglect, or make an improper use of them, is to run into a certain absurdity to avoid an uncertain inconvenience; for whether the student makes choice of the profession of the law thro' a natural warmth of temper, or from a cool reflection upon the great advantages which result from it, he will not be so imprudent to suffer the charms of liberty, the love of pleasure, or a taste for polite literature, to dissipate his thoughts, or hurry him into a neglect of such means as are most conducive to his main end and design.

By serving a clerkship, indeed, under the eye of a steady and prudent master, he will in some measure be kept clear of the temptations I have been mentioning, and may early gain an insight into practice, and an habit of industry. But then his mind, unused to expatiate, will be confined to the narrow limits of legal knowledge; and the painfulness of acquiring it, for the want of the necessary helps which are drawn from learning, will go near to damp his imagination. Add to this, that there is scarce

any advantage in serving a clerkship, which may not be reaped by the student, without breaking too much into the time allotted by him for his course of studies and attendance upon courts; for after he hath finished his college education, and furnished his mind with a large and comprehensive knowlege, and begun seriously to apply himself to the study of the law, he may, under the guidance and directions of some able and experienced attorney, bestow his leisure hours to considerable advantage by going through the forms of business, and learning so much of the practice as to give him a general notion of the conduct of a cause from its first process to its final determination.

### OF STUDY.

**W**HOEVER considers the vast variety of disputes which daily arise in relation to property, and how voluminous the laws are grown, which were made to protect and guard the rights of the weak, against the unjust encroachments of the strong, will easily be convinced of the great necessity there is for an unwearied diligence and application in the pursuit of so complicated a study. The revolutions  
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of government, and fluctuations of human affairs, occasion frequent and necessary alterations in the common and statute laws of this kingdom; and a person must be deeply read and acquainted with both, and the various reasons and policy upon which such alterations were founded, who flatters himself with the hope of shining in the first rank of so useful a profession: but it is not necessary to be deeply read, that a man should be constantly poring upon his book; such a practice will defeat the very end it aspires at, by loading the memory with a number of useless singularities, and distracting the judgment to such a degree as to beget a confusion in our ideas, and create an entire disgust and abhorrence of so painful and laborious an employment.

All that I mean by it is, that a student should let no day slip without making some improvement in his profession; and if at any time he is obliged to pass a whole day in such amusements or avocations as are totally inconsistent with such an application, he should, as the emperor Titus Vespasian did upon a better occasion, consider that day as absolutely lost.. Much study is a wearisomeness to the flesh, and therefore we must be upon our guard, lest a too  
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eager desire of outstripping others, carry us in the pursuit beyond those bounds which reason dictates; excess in every thing is to be avoided; and he who impairs his constitution, and weakens his intellectual faculties by incessant application to this study, will find that he hath paid a greater price for the knowledge of the law, than the purchase of it deserved: it is not here as in other sciences, which intermix the pleasant with the profitable; and amuse the imagination at the same time they improve the judgment: the law is a dry and unpleasing subject; but dry and unpleasing as it may be on our first onset, it will every day become less so; and if we are content to make our advances in it by such easy gradations, as are suitable to the nature of the study, and the time of life we enter upon it, we shall find the prospect open and improve upon us: and barren as it might once seem, shall reap such pleasure in observing the necessary regulations it lays down for the due order and government of society, and such emoluments to ourselves as will make ample amends for the many difficulties we meet with in the road; and even these difficulties may be greatly lessened by the proper choice of our seasons and  
hours

hours of study : indeed nature alone seems to point out the morning for that purpose, because the body being refreshed by sleep, and recovered from the fatigues of the preceding day, is then in its full strength and vigour : and who knows not by experience, that if the organs of the body are at any time indisposed, the mind will be incapable of a due exertion of its intellectual faculties ?

### Of the CHOICE of BOOKS.

**T**HERE is scarce any thing of greater importance to a student, than a proper choice of such books as will lead him by the most easy but sure gradations into the knowledge of so perplexed and intricate a science as the law.

I do not mean by this, that his collection should consist of such only, it being necessary that he should, before his entrance upon this study, be furnished with the whole course of the law, to which he may occasionally refer : for how is it possible for a man to be an expert artist, without the apparatus or implements suitable to his employment ? It were much to be wished that the common law could be reduced to a system ;

system ; but as no single person is equal to the attempt, there is little probability of our ever seeing the completion of so vast an undertaking. Something hath been done towards it by Mr. Wood, in his Institute ; and notwithstanding the just contempt and ridicule, which a most ingenious and entertaining writer hath, in the character of Parson Barnabas, thrown upon those who fancy themselves complete lawyers merely because they have read that author, we must not immediately conclude that work to be without its merit ; for, short and compendious as it is, it gives the student a general insight into the law, and that in terms so plain and intelligible, that we are at a loss whether we should admire most, the happy method in which he ranges, or the perspicuous manner in which he treats, the different branches of so extensive a subject.

Upon this plan the student may enlarge, by comparing it with the authorities he refers to, particularly Fitzherbert's *Natura Brevium*, which, in the opinion of a *Judge* no less remarkable for his extensive knowledge than his great politeness and humanity, is one of the most useful inlets into the nature of actions, and the reason of



the practical part of the common law: along with Wood, he may properly read Finch upon the Common Law, and Mr. Justice Wright's learned Treatise upon Tenures; and by the time he hath perused these writers, and made careful extracts from the several authors which they occasionally cite, the student will find his fund of knowledge considerably enlarged, and be enabled to read with some degree of pleasure, the antient reports, and comments upon the law, and which, but for this previous assistance, he would scarce have looked upon without disgust; and of these the Lord Coke's First and Second Institutes, claim his chief and most assiduous attention; the vein of profound learning which runs through these works, shews the vast industry, sagacity, and judgment of the writer; and Littleton's Tenures, valuable as they are, had never been held in such esteem, had he not fallen under the consideration of so able a commentator; and although abridgments have been said to be of no use but to those who make them, yet I would venture to recommend Serjeant Hawkins's Compendium of the First Institute as a very useful and necessary guide in the perusal of it; and the rather as he is very careful in point-

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ing out such parts as are now become obsolete and antiquated. By thus singling out the First and Second, I would not be understood to exclude the reading the Third and Fourth Institutes, but as it is more eligible for the student to begin with the acquisition of that knowledge which will be of the most real and immediate use, I would advise him to postpone the reading of those parts of his work till he is thoroughly conversant, and well read in the more necessary branches of the profession.

In reading Lord Coke's Institutes, there will be found frequent references to that author's Reports; and the student will reap much greater advantages by comparing them as they are referred to, than by reading them in the confused manner in which they lie. Besides, the Report will contribute to illustrate and explain the Institute, as that explains and illustrates the text: after or rather along with these, I would recommend Plowden's Commentary to the student's careful perusal; and if he hath any relish for strong reasoning and clear expression, he will find his trouble in learning the law French made amply amends for, by the knowledge he will acquire from that most accurate and judicious performance.

But as the great body of the law is in perpetual fluctuation, it will be very proper for the student, after he hath made himself master of these valuable treasures of ancient knowledge, to read the latest and most authentic Reports, to wit, Lord Raymond, Salkeld, Carthew, Levinz, Saunders, and Sir John Strange; for the ancient Reports, however sound and accurate in their reasoning, may still lead him into a multitude of errors, many of the determinations being altered by later authorities, and a number of distinctions introduced, unknown to the plainness and simplicity of former ages. And as the positive and common laws of this kingdom have been found productive of great hardship and inconvenience in particular cases, the Court of Equity hath frequently interposed, and redressed the same agreeable to the principle of natural justice: and as many of the cases have been collected, and the grounds upon which the mitigation of the rigour of the law was founded; they are now become a considerable part of the rule of property: and although the Lord Chancellor is not so strictly bound by former determinations as the Judges are at

common law, yet it is very rarely he departs from them without urgent reason, or apparent necessity; and whoever expects any uncommon reputation, must have a thorough knowledge both of law and equity, they being now so interwoven with each other, that there is scarce any affair of consequence which in its progress doth not undergo the disquisition of both jurisdictions. The necessity, therefore, of reading the best Reports, both in law and equity, is manifest; and by comparing them together they will reflect a mutual light upon each other. The common law Reports too often consist of bare resolutions, unaccompanied with the reasons upon which they are founded: the Reports in equity, on the contrary, are very diffuse and extensive, and give larger room for the exertion of the rational faculties, as being less fettered with the chains of custom, precedent, or authority.

It may serve as a relaxation to the student from the severe study of the common law, carefully to peruse Peer Williams and Vernon's Reports, Precedents in Chancery, and a Collection of Cases in the time of Lord Chancellor Talbot; which last, though published without a name, will always be  
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a credit to the ingenious compiler. By this intercourse and exchange of studies, the student will see the analogy between law and equity, and be in some measure able to ascertain and distinguish their respective boundaries. And that such a knowledge is of the utmost consequence to a lawyer, will be very evident to any person who considers the many judgments which are recovered by the strict rules of the common law, of which a Court of Equity will not suffer the parties to take advantage.

In perusing the Reports I have been mentioning, it will be of great service to the student to give an exact attention to the rules and maxims, both of law and equity, which are as it were the pole-star to direct his way through the sea of difficulties he will meet with. Noy's Maxims, Lord Bacon's Elements of the Common Law, and Francis's Maxims of Equity, will much assist him in making his collections; and if he takes care to illustrate his maxims with proper cases, he will find the maxims spontaneously occurring upon every occasion; and that it will, at the same time, by an association of ideas, help him to recollect some case or other in which its authority hath been admitted and allowed.

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I would not mention the Statutes as books proper for his reading; their vast bulk and annual increase renders it impossible to go through them all; therefore the student may content himself with being master of such as make any considerable alteration in the common law, and refer to the rest occasionally.

There are many Reports besides those I have mentioned, particularly Lord Dyer, Yelverton, Pollexfen, Croke, Vaughan, and Hobart, which are well worth the student's perusal; but as too much reading of the common law Reports will rather burthen than improve the understanding, it must be left to his discretion either to go through the whole of those Reports, or to refer to them occasionally; being well satisfied that a few of the most approved writers well read, and thoroughly digested, will be of more real service to the student, than the whole course of the law run over in an hasty and superficial manner.

## OF ATTENDING COURTS.

THE next thing I would recommend to the student, is a diligent and constant attendance upon the courts of justice ; and one would think there was no need for such a recommendation, since curiosity alone incites persons, bred up in other sciences and professions, to hear causes tried with which they have no connection, and questions of property discussed, in the resolution of which they have no interest.

Whether this arises from the love of truth, the desire of novelty, or an admiration of the beauties of oratory, it is certainly a strong inducement for the student to attend upon those debates, which not only afford entertainment to him in common with others, but at the same time contribute to his improvement in the profession he is designed for : it is easy to observe how much stronger an impression is made upon the memory by hearing a fact stated, and the consequences of it deduced in a course of argument at the bar, than by coldly reading the Report. There is something striking in the look, the action, and the expression of the speaker ; we do not consider

sider ourselves merely as spectators, but as actors, and wish for the success of that party in favour of whom a regard for justice, or hatred of oppression, directs our inclinations. And if strangers to the law shall attend to these debates with care and assiduity, shall those who are designed for the profession, either absent themselves through indolence, or attend to them with such apparent indifference, as if they thought they were of no use?

In the course of an argument, the student hears the most abstruse points opened and enlarged upon, with such beauty and vivacity of expression, that his imagination is warmed, and he glows with ambition to become a speaker; besides, the object of disquisition is surveyed in every light, and the difficulties attending the enquiry are so fully elucidated, that he must have a very slow perception, who cannot apprehend the reasons of the determinations.

Matters of consequence and speculation may not happen to arise in the common and daily course of proceedings, but matters of practice and improvements will; and the smallest acquisition of legal knowledge is by no means to be considered as a matter of contempt.

A trial



A trial at bar, or a special argument, may seem indeed more worthy the student's attention, and enflame him with the hope that he may one day shine as an advocate in a cause of equal nicety and importance; but let him not from thence be tempted to neglect or think meanly of the inferior branches of knowledge, particularly the practice of the courts, which, low and trifling as it may seem, hath been very instrumental in promoting the rise of some of the greatest and ablest men in the profession.

### OF TAKING NOTES.

**T**HE memory, even where it is the most perfect, cannot long retain the traces of what we hear; and, therefore, a constant attendance upon courts of Justice will be of little service to any but those who have sagacity enough to distinguish, and industry to write down so much of each fact, argument, and determination, as may be necessary for their future use.

The advantage, indeed, of doing it is so apparent, that no student is unfashionable enough to attend a court of justice without his note-book, however indolent he

may be in his use or application of it : and were we but to see the defective manner in which the notes of cases are too generally taken, we should be apt to imagine that the doing it was either a matter of no consequence to a student, or else that nothing was said which could merit his attention.

The reason of this general neglect seems to be, that every one thinks it an easy matter to take down what he hears, and consequently that little reputation can be reaped from an advantage which he shares in common with so many others. But this we shall find to be a mistake ; and that the taking notes may justly be considered as a proper and noble exercise of our intellectual faculties.

The art of writing short-hand contributes greatly to the taking notes with accuracy ; but the misfortune is, that the practisers of it are too apt to exercise their pen rather than their judgment ; and finding that they can keep pace with the speaker, take down every word that is said, without being at the pains of distinguishing the circumstantial from the essential parts of an argument. Such a one may possibly make amends for his carelessness in collecting the dross with the gold, by afterwards

sifting the one from the other ; but this being a work of labour and judgment, it is great odds that he who takes notes with so little discernment, will bestow as little in digesting them. But we must not from hence conclude, that the art of short-hand is an hindrance either to the memory or the judgment ; it is only the abuse and sole reliance upon it, which is to be condemned, there being no real necessity for a short-hand writer to be prolix in his notes ; though it is very difficult for a person unskilled in it, to avoid being obscure. The latter, indeed, will reap greater improvements from the act of taking notes, short and imperfect as they may be, than a mere short-hand writer ; for, by a constant exercise of his rational faculties, he will acquire an habit of discerning the substantial part of an argument, and by that means store his mind with ideas instead of words : but the former hath a peculiar advantage ; for his quick and compendious way of writing will enable him to take the very words where they are necessary to be taken ; and where they are not, will afford him leisure to abridge and reduce the state of the argument to as small a compass as is consistent with perspicuity. But notwith-

standing the great usefulness of the art, the short-hand writer must be very cautious, lest the ease and facility of doing it draw him in to be a mere transcriber: who, after having taken down every word of a debate with the most literal exactness, comes away very well satisfied with himself, though he is totally ignorant both of the state of the case and the reasons of the resolution. Very few take notes with that accuracy and exactness, which is necessary to render their collections of use, being too apt to run into prolixity or obscurity; but of the two, the former is least prejudicial, it being more pardonable to tire our patience, than mislead our understanding. After the student's attendance upon court, he may very usefully employ his time in weighing and comparing the reasons of a determination with the several authorities which are occasionally referred to, and in expunging the superfluities in which a copiousness of expression is too apt to involve an argument; and by this means he will render his collections no less valuable for their conciseness than their weight. And in digesting a note, I would recommend to him not only the excellent model which Sir John Davis hath given in his Report of  
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some Cases and Matters in Law, adjudged in Ireland; but the method pointed out by Mr. Plowden, in the Case of Throgmorton against Tracy and Nicholson; of which he says, "He had made a summary Report, uttering together the effect, as he had conceived, of all that was urged on the one part and on the other, and so likewise of what was said by the judges, without recital of their arguments word by word." And his reason for so doing is strong and conclusive: "For, I have found (says he) few arguments so pure, in which there was no refuse; and therefore I thought it better to utter the pure only, and omit the refuse, then and yet thinking that form of Reports to be the best."

### OF COMMON-PLACE BOOKS.

THE most assiduous attendance upon courts, joined with an unwearied application to study, however promising at first view, are by no means sufficient to constitute a lawyer: by the help of those indeed the student will make a great proficiency, both in the theory and practice of the law; but the difficulty will be to retain so valuable an acquisition, and apply it as often

as he hath occasion, to present use ; some indeed are blest with so tenacious a memory, and so quick a power of recollection, that they want little or no extrinsic assistance ; their fund of ideas, like a rich bank, is always ready to answer at first sight the largest draughts which can be made upon it : but the generality of mankind are not so happy, and therefore have been obliged to seek out for artificial help to cover the defects, and supply the absence of these extraordinary endowments ; to this we may ascribe the origin of common-placing, or making extracts from approved authors, and ranging them under their proper titles, a practice which from its usefulness hath much obtained and been deservedly countenanced and approved by the greatest and ablest men of the profession : and had no improper use been made of the valuable collections of this kind, which at different times have been offered to the public, we probably should never have heard of that well-known sarcasm, “ Abridgments are of no use but to the makers.” But the misfortune is, that we had rather jump than climb into knowledge ; and through a vain desire of acquiring it at the least expence of time and labour, too frequently make a shameful waste

waste of both ; for instead of reading the best and most authentic Reports, where we should meet with a copiousness of reasoning, and perspicuity of expression, we satisfy ourselves with some obscure abridgments, and by endeavouring to contract our way of study, become as superficial in our knowledge as we were compendious in the search and pursuit of it. It is much to be feared that this absurd, but seeming expeditious way of becoming learned, is growing universal ; and that not only the students of the law, but the proficient in the other arts and sciences, instead of reading the best and most approved authors, and making full and useful collections from them, will sit down contented with the short and imperfect sketches which are made by others, and then plume themselves upon that small pittance of knowledge which is to be acquired from the reading an abridgment, or the perusal of a dictionary. I would not from hence be understood to mean, that abridgments are of no use ; the great repute and authority in which Roll's Abridgments of the Common Law, and the Abridgment of Cases in Equity, by a judicious barrister, are universally held, sufficiently manifest the contrary ;

contrary ; and if the student, during the course of his reading the best authors, only bestows the trouble of comparing them with these Abridgments, he will easily fill up and illustrate such parts as seem any way obscure or defective ; and by daily extracting the substance of his own notes, and ranging them under the same titles with these authors, he will, in process of time, be master of such a common-place book as he may assuredly rely upon for the solution of the many doubts and questions which will naturally occur to him in the course of his profession.

### OF DRAWING PLEADINGS.

**I**T is not impossible but the student, if he hath fine parts and a volubility of expression, may soon fancy himself qualified to amuse a court, baffle a witness, or confound a jury ; but however extraordinary his endowments may be, it will be very difficult to find a proper opportunity to display them to advantage, or to convince the world of the extent of his genius, or the force of his capacity. Some, indeed, have arisen like meteors, and at once commanded the attention of mankind ; but these



these prodigies are rather to be wondered at than expected ; and therefore, it will be incumbent upon the student, how partial soever he may be to his own abilities, to take every measure which may give him a reasonable and well-grounded assurance of success ; and among those there is none so likely to promote it, as his being a special pleader or a draughtsman ; and however the petulance of wit, or warmth of imagination, may tempt the hasty and unthinking youth to look upon the persons who are bred up to such a scene of drudgery, as no better than hewers of wood, or drawers of water, he will one day be sensible, that to fix a plea, or to settle a draught with accuracy, is the readiest introduction to business, and the surest inlet to reputation. The proper time for acquiring this useful knowledge, is before his call to the bar : for although nothing is more common in practice, yet nothing can be more absurd, than to set up a trade before we have learned it, or to embark in a profession without the necessary preparatives.

The drawing of pleadings in Chancery contributes much to fix the attention and improve the judgment ; while the variety of facts which offer themselves to the consideration,

ration, and from which ingredients of equity are to be raised, gives room for the exercise of our most extensive faculties: and it hath been owing to the pride, the ingratitude, or ignorance of the professors, if at any time the business of a draughtsman hath been considered as an object of contempt. To be capable of attending to a long series of complicated facts, and to survey the whole train of consequences resulting from them, is a task equal to the largest capacity; and to state and range those facts in such a clear and perspicuous method, as to convince the judgment of their truth, agreement, and consistency with each other, which is the great characteristic of a complete draughtsman, is a work not beneath the attention of the ablest of the profession. And notwithstanding the great deference which is paid, and the greater rewards which are given, to those who happen to be blessed with the power of elocution, still the draughtsmen are to be considered as the master-builders; for they are the architects who form the plan, and lay the foundation for all those beauties with which eloquence charms the ear, and captivates the judgment: and if the foundation happens to be bad or defective, the whole

whole superstructure and assemblage of ornaments, grand and magnificent as they may seem, at once tumble into ruin.

The art of special pleading, so called from the substance of the defence being specially stated, is so little understood, that it is no wonder if it be generally decried; it being but too natural for us to slight those branches of knowledge which we either want industry or capacity to attain. It cannot, indeed, be doubted, but that it is a dry and entertaining study; and to this in great measure may be attributed the almost universal dislike of it. Some indeed have gone so far as to think it should be totally abolished; and Lord Coke, at the same time he shews the necessity of being skilled in it, assigns such a reason for it as renders but little honour to the practice; for in his Comment upon the 534th section of Littleton, he is pleased to say, “When I diligently consider the course of our Books of Years and Terms from the beginning of Edward III. I observe that more tangling and questions grow upon the manner of pleading, and exceptions to form, than upon the matter itself, and infinite causes lost or delayed for want of good pleading; therefore (says he) it is a necessary part of a

good common lawyer, to be a good prothonotary." And although it is impossible not to agree with him in his conclusion, yet it is much to be lamented, that the rights and properties of the subject should be left upon such a precarious footing, as to extort a confession from that great lawyer, that an infinity of causes are lost or delayed, for want of good pleading. Whether this grievance can be redressed without the introduction of some greater evil in its room, seems a question worthy the attention of the legislature; if it can, the trial of property will be freed from many of the difficulties and embarrassments with which it hath been too long entangled. If it cannot be remedied without substituting in its stead a method productive of equal or greater inconvenience, I would then enforce, to the utmost of my power, that memorable piece of advice, which Littleton gives, "Know my son (says he) that it is one of the most honourable, laudable, and profitable things in our law, to have the science of well pleading in actions real and personal; and therefore I counsel thee especially to employ thy courage and care to learn this."



## Of the CROWN LAW.

**T**HE crown law, although composed of the common and statute laws of the kingdom, is become so considerable a branch of both, as to merit a particular consideration. The barefaced and audacious manner in which the lives and properties of the honest, industrious subjects are daily trampled upon and invaded by the violence and rapine of the idle, profligate, and abandoned, shews the necessity of those penal laws, which the wisdom and experience of former ages have established for the preservation and peace of the community. The due and proper execution of these laws is a matter of the utmost consequence to the public, and the acquiring a competent knowledge of them is of no small importance to the student: for as it is most probable that he will make his first appearance at the sessions, or upon the circuit, nothing will contribute sooner to his introduction into business, than the notion of his being thoroughly conversant in the crown law: to this end he must be very assiduous in his attendance upon the King's Bench, by which means he will not only learn

the practice of the court, but procure a collection of such a number of cases, with regard to the settlements of paupers, as will make him appear at the sessions to considerable advantage, and raise his reputation in the country where he happens to reside, to a higher pitch than would be easily imagined. It will not be amiss also, if the student attends upon such trials at the Old Bailey as are any way remarkable for their importance or particularity; by which means the practice of the crown-bar will grow easy and familiar to him, and he will gain a better insight into those laws upon which his fellow-subjects depend for the security of their lives and properties. And however ignominious the name and character of a mere Old Bailey Counsel may justly appear to him, he will find by experience, that the method here laid down will forward his advancement as a lawyer, without the least derogating from his character as a gentleman. In the course of these attendances, I would recommend to his perusal Lord Chief Justice Hale's most accurate History, Mr. Serjeant Hawkins's learned Treatise of the Pleas of the Crown; and Mr. Burn's Justice; and if he reads them with that care and attention which they

they deserve, he will soon be enabled to make a considerable figure in that sphere of action which is the first province of a young lawyer ; and as ambitious as he may be of the reputation which is to be acquired in the disquisition of a nice and complicated question, relating to property, he must still remember, that the life and liberty of the meanest subject are of much higher value and estimation in the eye of reason, as well as law : and that the talents of a Cicero were never more conspicuously exerted than in the protection of injured innocence, or the conviction of abandoned guilt.

#### Of C O M P A N Y.

**I**T is an observation of the great Lord Bacon, That reading maketh a full man, conference a ready man, and writing an exact man. By reading, we enlarge our fund of ideas ; by composing or writing, we learn to range them with accuracy and propriety ; and conference gives us a happy facility in conveying them to others. The charms of society are, indeed, of themselves so engaging, that he must be something above or below humanity who is able to resist them ; but pleasing as they are, the  
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student must consider them not merely as an agreeable relaxation, but as an excellent means of improvement. To this end he should choose for his companions, such whose turn of mind and bent of inclination are most correspondent with his own, and the great end he hath in view. Out of these a little society may be formed, one or more of whom may be daily detached to take notes in the several courts of justice, and may bring the fruit of their respective labours into the common stock ; in which the whole society being partakers, each of them will reap a larger harvest of practical and useful knowledge, than it is possible for any single person to acquire by the mere efforts of his own application : add to this, that the comparing the notes they have taken, and communicating them to each other, will not only contribute to the correctness of the reports, but be a spur to the industry and emulation of the competitors ; each of whom will be ambitious of shewing that he hath more accuracy in taking, or more judgment in digesting his notes, than the rest of his fellow-labourers. And as the ancient practice of mooting in the inns of court is now, like many other useful customs, become obsolete



lete and antiquated, it will be of service to this little society to establish a jurisdiction amongst themselves, analogous to the practice of superior courts, where they may display the first dawnings of their genius, and learn to deduce consequences from facts; and by being early inured to the disquisitions of legal questions, they will imperceptibly acquire a talent of reasoning, and habit of expressing themselves with justness and propriety. Thus fraught with the intellectual and acquired endowments I have been describing, and modestly conscious of their abilities, they will, upon their first appearance at the bar, behave with such a decent and becoming steadiness as to give the world a happy impression in their favour, and raise a general expectation of their future rise.

#### OF D I V E R S I O N S.

**A**S the law is generally allowed to be a severe and unentertaining study; it cannot be wondered at, if the student sometimes requires a relaxation from it; but allowable as it may be, to unbend the mind by agreeable amusements, he must not dwell upon them too long, lest they

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should dissipate his ideas, and weaken his habit of industry : the luxury of the present age hath refined upon all the preceding ones, both in the number and variety of its entertainments, and which, if they do not corrupt, at least enervate the mind, and render it impatient of any task that is attended with pains and difficulty : and it were well if this unbounded thirst after pleasure confined itself to those alone, whose opulence renders time of no value, and whose rank places them above censure ; but it is greatly to be feared, that the disorder is growing epidemical, and that those who are bred up to the rigid employment of the law, are at least in danger of being infected by it. The mischiefs arising from this almost universal passion, are very great ; the too eager pursuit of pleasure diverts the student's attention from its proper object, the law ; and he who is a bad œconomist of his time, will hardly fail of being a bad œconomist of his fortune : and it is not difficult to imagine, that he who squanders away both the one and the other in a useless and unprofitable manner, will soon be in too uneasy a situation to make a progress in that study, where there is a constant occasion for cool thinking and un-

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wearied application. I would not here be understood to exclude the student from a moderate share of diversions, but only guard him against such as have a natural tendency to impair his fortune, or wound his character. Those diversions are to be preferred, which please the imagination, at the same time they improve the judgment; and in this number a well wrote play may possibly be ranked, even in the opinion of the severest judges; here the student may indulge a rational and well-grounded delight in beholding the passions represented by the Roscius of our age, with such a dignity of action, and power of expression, as bespeak the orator as well as player: and although the student cannot be too cautious of contracting the theatrical gesture, which is so widely different from that which is proper for the bar, yet he may, by a strict observance of the person I am describing, learn to utter his sentiments with such propriety, that the action may be suited to the word, and the word to the action; and which, if not the only, is at least a very distinguishing, qualification of an orator.

## The CONCLUSION.

**I**T is an observation founded upon experience, that mankind are too apt to form an opinion of our abilities from the figure we make at our first entrance upon the stage of life; and, notwithstanding this way of judging is in its nature extremely fallible, it will be very difficult to remove the prepossessions which are thus imbibed, as the generality of mankind are much more ready to entertain, than to part with a settled opinion. The attending to this observation may, perhaps, be of some use to the student in determining the proper time for his call to the bar, which, however superficially it may have hitherto been regarded, is a matter of no small importance to his welfare.

It seems, indeed, impossible to lay down a general rule, in a case where the circumstances are so widely different. The abilities and industry of one man, and his means and opportunity of improvement, are frequently so much beyond another of the same age, that the former might appear in public with applause, while the latter, by so doing, would only become the object



ject of contempt. To know ourselves in a moral sense, is a mark of true wisdom; and to know the force and extent of our powers and abilities, is the first step towards appearing to advantage, and is the true criterion of the time in which our call to the bar will be attended with reputation: and however fond we may be of the advantages which result from an early call, we must still remember, that seniority gives but a painful and short-lived pre-eminence, unless it is accompanied with those real claims of distinction, an elevated genius, extensive knowledge, and unwearied application. It is very probable, that the young lawyer's success will, at first, fall vastly short of what he might promise himself in the warmth and heat of his imagination; and there is no doubt, but that many persons of considerable merit have sunk into a supineness and despondency, merely for want of being early countenanced and taken notice of: but let us beware of following their example, or of thinking, because we do not rise so soon as our vanity or impatience might expect, we shall never rise at all: steady perseverance overcomes all obstacles; and if we never appear in court without being pre-  
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pared to shew the extent of our knowledge and closeness of our application, we shall one day or other have an opportunity of displaying those talents to advantage.

By pursuing these steps, there is little room to doubt but that, sooner or later, our endeavours will be successful; for the present possessors of business must, in a course of years, inevitably yield, either to the violence of short and sudden illness, or the lingering decays and infirmities of old age. And as these, after having played their parts with reputation, must make room for us, so must we, in our turn, make room for others; which reflection alone will be sufficient to warn us, that we are to consider our profession as an honorary, as well as lucrative employment; and that at the same time we act as lawyers, we must never deviate from the rules of honour or the duties of morality.

**F I N I S.**

